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HOUSE BILL 1073

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Rhonda S. King

AN ACT

RELATING TO WATER; ADDING THE STATE ENGINEER'S ASSESSMENT OF
WATER AVAILABILITY TO A COUNTY'S ASSESSMENT OF REQUIREMENTS FOR
SUBDIVISIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 47-6-9 NMSA 1978 (being Laws 1973,
Chapter 348, Section 9, as amended) is amended to read:

"47-6-9. SUBDIVISION REGULATION--COUNTY AUTHORITY.--

A. The board of county commissioners of each county
shall regulate subdivisions within the county's boundaries. In
regulating subdivisions, the board of county commissioners of
each county shall adopt regulations setting forth the county's
requirements for:

- (1) preliminary and final subdivision plats,
including their content and format;

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1 (2) quantifying the maximum annual water
2 requirements of subdivisions, including water for indoor and
3 outdoor domestic uses;

4 (3) assessing water availability to meet the
5 maximum annual water requirements of subdivisions in critical
6 management areas as designated by the office of the state
7 engineer;

8 (4) water conservation measures;

9 (5) water of an acceptable quality for human
10 consumption and for protecting the water supply from
11 contamination;

12 (6) liquid waste disposal;

13 (7) solid waste disposal;

14 (8) legal access to each parcel;

15 (9) sufficient and adequate roads to each
16 parcel, including ingress and egress for emergency vehicles;

17 (10) utility easements to each parcel;

18 (11) terrain management;

19 (12) phased development;

20 (13) protecting cultural properties,
21 archaeological sites and unmarked burials, as required by the
22 Cultural Properties Act;

23 (14) specific information to be contained in a
24 subdivider's disclosure statement in addition to that required
25 in Section 47-6-17 NMSA 1978;

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1 (15) reasonable fees approximating the cost to
2 the county of determining compliance with the New Mexico
3 Subdivision Act and county subdivision regulations while
4 passing upon subdivision plats;

5 (16) a summary procedure for reviewing certain
6 type-three and all type-five subdivisions as provided in
7 Section 47-6-11 NMSA 1978;

8 (17) recording all conveyances of parcels with
9 the county clerk;

10 (18) financial security to assure the
11 completion of all improvements that the subdivider proposes to
12 build or to maintain;

13 (19) fencing subdivided land, where
14 appropriate, in conformity with Section 77-16-1 NMSA 1978,
15 which places the duty on the purchaser, lessee or other person
16 acquiring an interest in the subdivided land to fence out
17 livestock; and

18 (20) any other matter relating to subdivisions
19 that the board of county commissioners feels is necessary to
20 promote health, safety or the general welfare.

21 B. Subsection A of this section does not preempt
22 the authority of any state agency to regulate or perform any
23 activity that it is required or authorized by law to perform.

24 C. Nothing in the New Mexico Subdivision Act shall
25 be construed to limit the authority of counties to adopt

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1 subdivision regulations with requirements that are more
2 stringent than the requirements set forth in the New Mexico
3 Subdivision Act, provided that:

4 (1) the county has adopted a comprehensive
5 plan in accordance with Section 3-21-5 NMSA 1978;

6 (2) the comprehensive plan contains goals,
7 objectives and policies that identify and explain the need for
8 requirements that are more stringent; and

9 (3) the more stringent regulations are
10 specifically identified in the comprehensive plan.

11 D. As used in this section, "critical management
12 area" means a bounded area specifically described by section,
13 township and range, or by other land survey descriptions,
14 that requires special water resource protection because:

15 (1) water resources may be inadequate to
16 sustain well production as evidenced by water level decline
17 rates and available aquifer thickness; or

18 (2) additional depletions are shown to
19 negatively affect interstate compact delivery requirements."